

o'clock a.m. adjourned until 2:00 o'clock p.m. on Monday, April 3, 1961.

#### Welcome Resolution

S. R. No. 272, By Senator Aikin: Extending welcome to Mr. Harry Paterson, et al. of Cooper.

#### FORTY-FIFTH DAY

(Monday, April 3, 1961)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

#### Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we thank Thee for a joyous Easter. Teach us that we come to Easter by Calvary; we come by the dark to the dawn. Comfort us in our sorrows and, when our work on earth is done, bring us to the dawn of that eternal day; when God shall wipe away all tears and there is no night. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 30, 1961, was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Weinert was granted leave of absence for today on account of

illness in the family on motion of Senator Lane.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Baker.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Baker.

#### Senate Resolution 274

Senator Hardeman offered the following resolution:

Whereas, the year 1961 commemorates the 350th anniversary of one of the most significant events in the religious history of the English-speaking peoples—the publication of the King James Version of the Bible; and

Whereas, This important occurrence has been recognized recently by a ceremony conducted by the British Council of Churches, attended by Prime Minister Harold McMillan, himself a publisher, and Dr. Geoffrey Fisher, Archbishop of Canterbury, at which time the Prime Minister praised the King James Version as the "style born of the great Elizabethan Age" and which subsequent versions have "never quite recaptured the directness and simplicity of that speech"; and

Whereas, The King James Version resulted from a series of circumstances which, at the time, may be considered as accidental, as often has been the case with events which subsequently proved to be of world-wide significance; and

Whereas, In January, 1604, shortly following the accession to the throne of the newly-formed United Kingdom, King James VI of Scotland and I of England called a conference at Hampton Court, near London, to

discuss the "Millenary Petition," by the Puritan Party, requesting certain changes in the "Anglican Prayer Book," with the Church of England; and

Whereas, Some fifty to sixty representatives of the High Church Party, including the Archbishop of Canterbury himself, met with only four Puritans, selected by the King, in attendance, two of whom were later to be numbered among those who prepared the King James Version, namely, Dr. John Rainolds from Oxford, admittedly the most learned scholar in England at the time, and Laurence Choderton from Cambridge; and

Whereas, As the conference proceeded it became increasingly evident to the Puritan minority that scant attention was being paid to their plea for revision of the Book of Common Prayer, during which they contended that the Bible translation on which it was largely based was highly unsatisfactory, thereby rendering in question the Great Bible of 1539; and

Whereas, The interest of the King, himself an avid student of the Scriptures, who had translated portions of the Book of Psalms, in addition to a paraphrase of the Apocalypse, was stimulated and he accepted Dr. Rainolds' suggestion as to the inadequacy of current translations and thereby decreed steps be taken, without delay, to remedy this situation; and

Whereas, The translation or revision called for by King James, ever since associated with his name, was completed in 1611, some seven years later, by forty-seven of the fifty-four ablest scholars available in England, originally appointed without consideration of religious beliefs or of political persuasion and including High Anglicans, laymen and clergymen, classical scholars and profound theologians, who collaborated to produce the King James or "Authorized" Version with its piety and devotion and a masterpiece of English prose; and

Whereas, These translators, or more accurately, revisers, prepared it as a heritage from such scholars as Tyndale, a recognized student of Hebrew and Greek and other languages, whose career was terminated by his martyrdom, and Coverdale, whose preparatory labors were of incalculable value; and

Whereas, The Bishop's Bible of 1568, those of Tyndale and Coverdale, "Matthew's" Bible, the Great Bible of

1539 and the Genevan Version of 1560, each contributed to the literary heritage of the King James Version; and

Whereas, As of today, the Book of Common Prayer of the Church of England perpetuates the rendering of the Psalter given in the Great Bible (so-called because of its unusually large size) which follows Tyndale in choosing the word "trespasses" in the Lord's Prayer, where the King James Version has "debts"; and

Whereas, For some fifty years after its publication, the King James Version was subject to bitter attacks as its translators were villified, accused of deceit, corruption and even blasphemy, yet the King James Version has established its abiding worth, as in the case of other great literary contributions, and a source of consolation and inspiration, and for three and one-half centuries has brought spiritual enlightenment to all who have chosen to read and study its pages as a "lamp unto my feet, and a light unto my path," now, therefore, be it

Resolved, By the Senate of Texas, that by this Resolution, it take official note of the observance of the 350th anniversary of the publication of the King James Version and for its preservation of the style of directness and simplicity of speech "born of the Elizabethan Age" as a masterpiece of English prose, as well as of its contributions to the moral values of civilized man and for its "unique heritage, beyond all price—at once a consolation and an inspiration."

The resolution was read and was adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 290, Appropriating revenues accruing to Veterans Land Board Special Fund, No. 52, and any balance on hand in such fund to the General Land Office; and declaring an emergency.

S. B. No. 313, Providing for con-

struction of additional floors for the State Insurance Building and the second State Office Building; completion of State Archives and Library Building; granting authority for the limited use and improvements on Capitol grounds to provide passageways and walks to new buildings; authorizing the Building Commission to rent unused properties; and declaring an emergency. (With Amendments.)

H. B. No. 36, Amending Article 8307, Revised Civil Statutes of Texas, 1925, as amended, to create the office of Industrial and Occupational Safety Coordinator under the control of the Industrial Accident Board; providing qualifications and duties for such office; providing that the provisions of the Act be severable; repealing all laws in conflict; and declaring an emergency.

H. B. No. 20, Amending Article 4591, Revised Civil Statutes of Texas, 1925, as last amended by Chapter 205, Acts of the Fifty-fifth Legislature, 1957, and Section 1c of Chapter 230, Acts of the Fiftieth Legislature, 1947, as added by Chapter 16, Acts of the Fifty-fourth Legislature, 1955, and last amended by Chapter 205, Acts of the Fifty-fifth Legislature, 1957, so as to designate May 30 (Memorial Day) a legal holiday in Texas instead of the 12th day of October, and to further provide that said date shall be a legal holiday for banking purposes; and declaring an emergency.

S. C. R. No. 26, Resolved that the Board for Texas State Hospitals and Special Schools be authorized to negotiate with the United States Government through the General Services Administration for the purpose of securing without cost to the State of Texas any surplus land available at Camp Wallace.

S. C. R. No. 41, Authorizing certain corrections in House Bill No. 59.

S. B. No. 417, Applying to every city or town incorporated and operating under a Home Rule Charter; validating ordinances or other proceedings heretofore adopted by the governing body thereof authorizing the issuance of time warrants for certain purposes; validating time warrants heretofore issued pursuant to the terms of any such ordinance or proceedings; providing that time war-

rants hereafter issued pursuant to the terms of any such ordinance or proceedings heretofore adopted shall be valid and binding obligations; providing that the validation provisions of this Act shall not apply to pending litigation questioning the legality of matters hereby validated; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,  
April 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 399, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

### Senate Bill 399 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 399 was ordered not printed.

### Senate Concurrent Resolution 42

Senator Reagan offered the following resolution:

S. C. R. No. 42, Granting The Nueces Company of Corpus Christi, Nueces County, Texas, permission to sue the State.

Whereas, The Nueces Company, a corporation chartered under the laws of the State of Texas, with its home office and principal place of business in the City of Corpus Christi, Nueces County, Texas, is alleged to be a public utility as defined in Article 6053, Revised Civil Statutes of Texas, as amended, from the date of its incorporation on the 23rd day of June, 1953, through and including the calendar year 1959; that said corporation, for the years 1954, 1955, 1956, 1957, 1958 and 1959, prepared and filed its franchise tax report as required by Article 12.08, Title 122A, Revised Civ-

il Statutes of Texas, computing and paying the tax shown on said report as a domestic private corporation under the provisions of Article 12.01 (1), Title 122A, Revised Civil Statutes of Texas; and

Whereas, The said Nueces Company is a public utility company as defined in Article 6053, Revised Civil Statutes of Texas, as amended, and, during each and all of said calendar years, was entitled to compute its annual franchise tax under the provisions of Article 12.01 (3), Title 122A, Revised Civil Statutes of Texas; and

Whereas, The Nueces Company alleges that the State of Texas is liable to it for Thirty-six Thousand Nine Hundred Ninety-nine and Eighty-five One Hundredths Dollars (\$36,999.85) erroneously paid to, and collected by, the State of Texas as franchise tax owed by The Nueces Company for said years; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that The Nueces Company, of Corpus Christi, Nueces County, Texas, be granted permission to sue the State of Texas, in any Court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the overpayment by said The Nueces Company of the sum of Thirty-six Nine Hundred Ninety-nine and Eighty-five One Hundredths Dollars (\$36,999.85) as excess franchise taxes of the corporation for the years 1954, 1955, 1956, 1957, 1958 and 1959; and, be it further

Resolved, That service of citation and any other legal process shall be served upon the Attorney General of the State of Texas. Service of process upon this officer shall have the same force and effect as service of process upon the defendant in any other civil case, according to the rules of civil procedure as promulgated and adopted by the Supreme Court of Texas; and, be it further

Resolved, That either party to the suit shall have the right of appeal, as provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this Resolution is to grant permission to The Nueces Company of Corpus Christi, Nueces County, State of Texas, to bring suit against the State of Texas. No admission of liability or any fact is made in any way by pas-

sage of this Resolution; but on the contrary, it is specifically provided that the facts upon which The Nueces Company seeks to recover excess franchise taxes paid to the State of Texas must be proved in Court as in other civil cases; and, be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the defendant, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Joint Resolution 12 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 12, Proposing an amendment to the Constitution so as to provide that state employees may be employed in an advisory capacity, or appointed to serve as a consultant or on an advisory committee, or as a member of a Public School Board, and may receive reimbursement of expenses and a fee therefor, with other agencies of this State, or any political subdivisions thereof, and of the Federal Government, with the approval of the administrative head of the state department or agency or the governing board of the institution in which such employee is employed and provided there is no conflict of interest.

The resolution was read second time.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. 12, printed copy, by striking out the words "or as a member of a Public School Board," as they appear on lines 43 and 60 of Page 1, and on line 5 of Page 2.

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend the caption of S. J. R. 12, printed copy, by striking out the words "and a fee," as they appear in line 13 of Page 1.

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend S. J. R. 12, printed copy, by striking out the words "and a fee therefor," as they appear on line 44 of Page 1.

The amendment was adopted.

Senator Martin offered the following amendment to the resolution:

Amend the caption of S. J. R. 12, printed copy, by striking out the words "or as a member of a Public School Board," as they appear in line 12 of Page 1.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was then passed to engrossment.

#### Senate Joint Resolution 12 on Third Reading

Senator Martin moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the

resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote:

Yeas—25

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

#### Senate Bill 403 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 403, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 403 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Gonzalez
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Kazen
Dies	Krueger
Fuller	Lane

Martin  
Moffett  
Moore  
Parkhouse  
Patman  
Ratliff

Reagan  
Rogers  
Schwartz  
Smith  
Willis

**Absent—Excused**

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

**Senate Bill 240 on Second Reading**

On motion of Senator Calhoun and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 240, A bill to be entitled "An Act relating to authorizing the governing bodies of counties, cities, towns and trustees of school districts to invest their respective sinking funds for the redemption and payment of outstanding bonds of such bodies and amending Article 836 of the Revised Civil Statutes of Texas, Acts of 1949, Fifty-first Legislature, page 812, Ch. 437, Section 1, so as to add thereto a new alternative investment by authorizing such bodies to invest such monies in interest bearing time deposits in any bank doing business in Texas where the payment of such time deposits is insured by the

Federal Deposit Insurance Corporation; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 240 on Third Reading**

Senator Calhoun moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 240 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

**Senate Bill 43 on Second Reading**

Senator Herring asked unanimous consent to suspend the regular order of business and take up S. B. No. 43 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business and take up S. B. No. 43 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Lane
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Herring	Schwartz
Kazen	Smith
Krueger	Willis

**Nays—3**

Hardeman	Rogers
Martin	

**Absent**

Baker	Hazlewood
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**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 43, A bill to be entitled "An Act regulating the sale and manufacture of foods, drugs, devices and cosmetics for the protection of public health in the State of Texas, defining adulteration and misbranding, repealing the following articles of the Revised Civil Statutes of Texas, Article 4470, 4471, 4472 and 4473; repealing the following articles of the Penal Code of Texas, Articles 706, 707, 708, 709 and 717; and all other laws in conflict herewith; defining certain authority of the Commissioner of Health, prescribing penalties; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following committee amendment to the bill:

Amend Senate Bill 43 by striking out Section 13 thereof and substituting therefor the following:

"Section 13. Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof, cannot be avoided by good manufacturing practice, or serves a useful purpose, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 10(a); but when such substance is so required, cannot be so avoided, or serves a useful purpose, the Commissioner of Health shall promulgate regulations limiting the quantity therein or thereon to such extent as the Commissioner of Health finds necessary for the protection of public health; and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 10(a). While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1), Section 10(a). In determining the quantity of such added substance to be tolerated in or on different articles of food, the Commissioner of Health shall take into account the extent to which the use of such substance is required, cannot be avoided in the production of each such article, or serves a useful purpose, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances."

The committee amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend S. B. 43 by adding a new Section to be known as "Section 9A" to read as follows:

"Section 9A. The Commissioner of Health shall compile a list of drugs that may not be dispensed without a prescription in Texas, and the same shall be printed and posted in a conspicuous place in every drug store which has a licensed druggist on duty."

The amendment was adopted.

**Record of Vote**

Senator Moffett asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 43 to engrossment.

**Senate Bill 43 on Third Reading**

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Rogers
Herring	Schwartz
Kazen	Smith
Krueger	Willis

**Nays—2**

Hardeman Reagan

**Absent**

Hazlewood

**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

**Record of Votes**

Senators Hardeman and Reagan asked to be recorded as voting "Nay" on the final passage of S. B. No. 43.

**Senate Bill 273 on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 273, A bill to be entitled "An Act concerning release of persons from State Hospitals and Special Schools by writs of habeas corpus; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following committee amendment to the bill:

Amend S. B. No. 273 by adding the words:

"who have contagious diseases" between the words "persons" and "from" in Section 1 thereof.

The committee amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 273 on Third Reading**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump Hudson



Owen  
Roberts

Secrest  
Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

**Senate Bill 418 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 418, A bill to be entitled "An Act amending Paragraph (3) of Section 1 of Article 3.50, Subchapter E of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by House Bill No. 364, Chapter 345, Acts of the Fifty-third Legislature, Regular Session, 1953, and as amended by House Bill No. 24, Chapter 18, Acts First Called Session of the Fifty-third Legislature, 1954, and as amended by House Bill No. 482, Chapter 336, Acts of the Fifty-fifth Legislature, Regular Session, 1957, pertaining to group life insurance policies; and providing a severability clause; repealing all laws or parts of laws in conflict and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 418 by adding a new section to be known as Section 2A to read as follows:

"nothing in this Act shall alter or

amend S. B. 50, Acts of the Regular Session of the 57th Legislature."

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 418 on Third Reading**

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 418 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 315 on Second Reading**

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 315, A bill to be entitled "An Act providing for the utilization of the electronic data processing center provided for in Senate Bill No. 404, Acts of the Fifty-sixth Legislature, Regular Session, Chapter 324, Page

704 (codified in Vernon's as Article 4344b, Vernon's Civil Statutes), by agencies of the State; providing the powers and duties of the Comptroller of Public Accounts, and other agencies relating thereto; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 315 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

#### Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

#### Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

#### Committee Substitute

#### Senate Bill 20 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 20, A bill to be entitled "An Act amending the Uniform Act Regulating Traffic on Highways, as amended, by adding to said Act a new Article XIX relating to maximum and minimum speeds of vehicles; providing for an effective date; repealing Section 8, Chapter 42, Acts of the 41st Legislature, Second Called Session, as amended, codified as Section 8 of Article 827a, Vernon's Texas Penal Code; and declaring an emergency."

The bill was read the second time.

Senator Lane offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 20, by adding a new section to be known as Section 1a at the end of Section 1 to provide as follows:

"Sec. 1a. No evidence shall be admissible in any prosecution for a violation of this Act which is or has been obtained by lying in wait unobserved, hiding or in any manner concealing, in whole or in part any equipment or the operator or operators thereof or in violation of the Acts of 1953, Fifty-third Legislature, page 669, Chapter 253, Section 1 (codified as Article 727a, Vernon's Annotated Code of Criminal Procedure of Texas) in determining the rate of speed at which any motor vehicle is at the time traveling on or being operated over any public highway, street, road or alley in this State and, provided further that all operators of equipment and officers whose primary duties are the enforcement of the traffic laws shall use and operate in uniformly and plainly marked vehicles, when in performance of their official duties.

"The provisions of the foregoing paragraph are cumulative of Acts of 1927, Fortieth Legislature, page 321, Chapter 218, Section 1, as amended

by Acts of 1929, Forty-first Legislature, Second Called Session, page 83, Chapter 47, Section 1, as amended by Acts of 1930, Forty-first Legislature, Fifth Called Session, page 239, Chapter 76, Section 1 (codified as Article 803a, Vernon's Annotated Penal Code of Texas), and any violation hereof shall be punished as provided in said Article 803a.

"Nothing in this Act shall be construed to repeal or in any way modify, alter or amend Sections 86, 87, 88, 89 and 90 of the Uniform Act Regulating Traffic on the Highways, codified as Article 6701d, Vernon's Texas Civil Statutes, and being Acts of the Fiftieth Legislature, Regular Session, 1947, Chapter 421, page 927."

HARDEMAN  
LANE

The amendment was adopted.

#### Record of Votes

Senators Kazen, Gonzalez, Parkhouse, Creighton and Calhoun asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Calhoun offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 20 by adding the following new section to be numbered 1b following 1a:

Sec. 1b. Nothing herein shall prohibit the introduction of any evidence obtained by an officer in uniform using a plainly marked vehicle located on the highway right of way.

The amendment was read.

On motion of Senator Lane the amendment by Senator Calhoun was tabled.

C. S. S. B. No. 20 as amended was passed to engrossment.

#### Record of Votes

Senators Martin, Parkhouse and Kazen asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 20 to engrossment.

#### Committee Substitute Senate Bill 20 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C.

S. S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Lane
Calhoun	Martin
Creighton	Moffett
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Krueger	Smith

#### Nays—4

Baker	Kazen
Colson	Willis

#### Absent

Moore

#### Absent—Excused

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Willis offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 20 by adding the following sentence after the period in line 66 of Page 1 of the printed Committee Substitute:

"Provided, however, that the State Highway Commission shall not zone any highway for a speed of 70 miles per hour unless such highway is a divided highway."

The amendment was read and failed of adoption by the following vote:

#### Yeas—2

Colson	Willis
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#### Nays—22

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Creighton	Kazen
Dies	Krueger
Fuller	Lane
Gonzalez	Martin

Moffett  
Parkhouse  
Patman  
Ratliff

Reagan  
Rogers  
Schwartz  
Smith

Absent

Moore

Absent—Excused

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

C. S. S. B. No. 20 as amended was then finally passed.

#### Record of Votes

Senators Hardeman, Martin, Willis, Colson, Baker, Kazen, Gonzalez and Ratliff asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 20.

#### Reason for Vote

I voted against final passage of Senate Bill No. 20 because I do not think it is safe to drive 70 miles per hour on an undivided highway. I would have voted for Senate Bill No. 20 if it had contained a provision limiting the authority of the State Highway Commission to zone highways for speed limits of 70 miles per hour only on divided highways.

#### WILLIS

#### Senate Bill 157 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up S. B. No. 157 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up S. B. No. 157 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hazlewood	Reagan
Kazen	Rogers
Krueger	Schwartz

Smith

Willis

Nays—1

Hardeman

Present—Not Voting

Herring

Absent

Fuller

Absent—Excused

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 157, A bill to be entitled "An Act relating to false advertising of insurers not authorized to transact business in this state; subjecting such insurers to the jurisdiction of the State Board of Insurance and the Courts of this State; providing for actions by this state with respect to such insurers; providing for service of process upon such insurers; providing separability; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 157 to engrossment.

#### Senate Bill 157 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hazlewood	Reagan
Kazen	Rogers

Schwartz  
Smith

Willis

**Nays—1**

Hardeman

Present—Not Voting

Herring

Absent—Excused

Crump  
Hudson  
Owen

Roberts  
Secrest  
Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 157.

Senator Herring asked to be recorded as voting "present but not voting" on the final passage of S. B. No. 157.

**Senate Bill 253 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 253, A bill to be entitled "An Act amending Subsection 4, Section 7 of Chapter 530, Acts of the 54th Legislature, Regular Session, 1955, as amended, relating to payment of claims to certain beneficiaries; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following committee amendment to the bill:

Amend S. B. 253 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Subsection 4, Section 7 of Chapter 530, Acts of the 54th Legislature, Regular Session, 1955, (codified as Subsection 4 of Section 7 of Article 2922-1 of Vernon's Texas Civil Statutes) is amended to read as follows:

"Subsection 4. In the event the designated beneficiary is other than a

surviving widow, dependent widower, child, brother, sister, or dependent parent of the deceased, or other person financially dependent upon the deceased, the benefits payable to beneficiary under the provisions of this act shall be limited to the accumulated contributions and interest in the members' teacher savings fund account."

Section 2. The importance of this legislation and the crowded condition of the calendar in both Houses, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 253 on Third Reading**

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 253 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Crump	Roberts
Hudson	Secrest
Owen	Weinert

**Reports of Standing Committee**

Senator Willis by unanimous consent submitted the following reports:

Austin, Texas,  
March 30, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 239, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
March 30, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 395, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

**Special Notice on Senate Bill 376**

Senator Patman gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 376.

**Special Notice on Senate Bill 244**

Senator Aikin gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 244.

**Special Notice on Senate Bill 41**

Senator Parkhouse gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 41.

**Special Notice on Senate Bill 98**

Senator Herring gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 98.

**Special Notice on Senate Bill 34**

Senator Willis gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 34.

**Special Notice on Senate Bill 52**

Senator Willis gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 52.

**Special Notice on Senate Concurrent Resolution 21**

Senator Rogers gave notice that he would on tomorrow move to suspend the rules to consider S. C. R. No. 21.

**Special Notice on Senate Bill 181**

Senator Moore gave notice that he would on tomorrow move to suspend the rules to consider S. B. No. 181.

**Special Notice on Senate Joint Resolution 20**

Senator Moore gave notice that he would on tomorrow move to suspend the rules to consider S. J. R. No. 20.

**Welcome Resolution**

S. R. No. 273, By Senator Baker for Senator Hardeman: Extending welcome to Girl Scout Troop from Ozona Community Center in Crockett County and sponsors.

**Memorial Resolution**

S. R. No. 275, By Senator Willis: Memorial resolution for Harry Porter Brooks of Fort Worth.

**Adjournment**

On motion of Senator Martin the Senate at 4:29 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.